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ABSTRACT

This report outlines state legislative initiatives to develop family-based child welfare public policy. Emphasis is placed on legislation to ensure that "reasonable efforts" are made to reduce the need for out-of-home placement of children. Also included is an update of state implementation of permanency planning initiatives related to agency practices and procedures, the termination of parental rights, adoption assistance, and alternative forms of permanent placements. The report states that increasingly state lawmakers have mobilized to develop family-based child welfare public policy, with the new emphasis on providing permanent homes for children and with the goal of providing services to keep families together. The report concludes that statutory initiatives provide direction to the courts and child welfare agencies and outline parental responsibilities, and that states then realize the social and financial benefits of keeping families together. A case study of a family under stress from a premature baby, an accident-prone 3-year-old, and financial problems is presented to illustrate the differences between placing the children in foster care and providing supportive services to keep the family together. (ABL)

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State Child Welfare Reform:

Toward a Family-Based Policy

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State Child Welfare Reform:
Toward a Family-Based Policy

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Introduction

Child welfare public policy is undergoing considerable change largely because of the incorporation of the concept of permanency planning. This new concept focuses on replacing routine foster care for children from troubled families with a more comprehensive approach to ensure that these children have permanent homes. Permanency planning initiatives attempt to:

- Provide family services that keep a child at home whenever possible;
- Promptly reunify a family when a child is removed; and
- Make timely decisions to find another permanent home for a child when family reunification is impossible.

Increasingly, policymakers are recognizing the potential for troubled families to care for and raise their own children. The emphasis is shifting from punitive measures against parents to efforts that facilitate lasting change within the family system. As the late anthropologist Margaret Mead once said, "Abusive parents are not more wicked; they're more heartbroken than others." By directing resources to services that teach new skills to families in crisis, government enables them to cope with stressful situations and empowers the parents to assume their desired role.

Recognition of the importance of the family to a child's healthy development, along with advancement of new in-home treatment technologies, has contributed to state lawmakers' interest in creating family-based child welfare public policy. Resulting changes in state policy establish in-home family services as the preferred approach, with foster care or out-of-home

placement as the alternative treatment option. The traditional continuum-of-care philosophy thus is reversed. In addition, pragmatic and economic factors are steering the states in the direction of family-based child welfare public policy.

The dramatic increase in the number of reports of child abuse and neglect--nearly 160 percent between 1976 and 1984--has put enormous pressure on the child welfare system.[1] Although the majority of reports involve neglected children, states indicate that abuse and neglect cases overall are more serious and complex and that sexual abuse is escalating drastically. Some states also indicate increasing inattention to neglected children due to the more "urgent" nature of other reported cases.

A shortage of foster family homes contributes to the crisis. This shortage can be attributed to a number of factors: licensing systems that are backlogged and inefficient, the increasing number of women working outside the home, and foster parents growing too old to care for children. At the same time, foster children are becoming older and have more extreme problems and needs. Foster parents complain of inadequate training, payment, and support services. Then, too, systemic disincentives often discourage foster parents from adopting children who cannot be reunified with their families.

The enormous financial costs of foster care also concern lawmakers. Long-term, out-of-home placement is an expensive method of providing care, and it still fails to give a child a permanent home. Legislators know that state budgets benefit from reducing the foster care population.

Recent litigation further pressures the states. Class action lawsuits have challenged a wide variety of child welfare practices. In Louisiana, Missouri, New Mexico, New York, and Ohio, state and local jurisdictions have

been charged with failure to provide adequate protective and preventive child welfare services.

Finally, federal mandates require that states redirect their child welfare systems to a more family-based approach. Congressional inquiry into the problems of the foster care system culminated in 1980 with the enactment of the landmark Adoption Assistance and Child Welfare Act (P.L. 96-272). The purpose of the act is to reform the child welfare system by redirecting federal fiscal incentives to encourage permanency planning and by requiring certain protections for children. At the heart of P.L. 96-272 is the requirement that states make "reasonable efforts" to keep families together through the provision of family-based services.

This report outlines state legislative initiatives to develop family-based child welfare public policy. Emphasis is on legislation to ensure that "reasonable efforts" are made to reduce the need for out-of-home placement of children. Also included is an update of state implementation of permanency planning initiatives related to agency practices and procedures, the termination of parental rights, adoption assistance, and alternative forms of permanent placements.

There are a variety of state approaches to the complex problem of changing the status quo, bureaucratic response to child abuse and neglect. While no comprehensive state model is clearly identified, it is evident that effective change involves more than a few isolated statutory initiatives. The challenge for lawmakers is to assess their state's systems for serving families and to institute a range of policy changes that create a family-based child welfare approach.

The Problem

Historically, when a child was abused, neglected, or in need of supervision, the state acted to assume guardianship. Most often, the child was removed from the home and placed in foster care. Although such removal may be unavoidable in some circumstances, unnecessary foster care contributes to family instability and damages the child. Out-of-home placement as routine policy has dire consequences for children, their families, and state budgets. Consider the case of the Green family:

> The Greens were the parents of three-year-old Tommy and four-month-old Ginny. Due to her premature birth and resulting complications, the baby spent her first three months in a hospital. Mrs. Green, a thin, weak woman, was worried about her son's "wild" behavior, which resulted in frequent accidents. She became so angry sometimes that she was afraid she might harm him. Mr. Green was often away from the house unsuccessfully trying to sell insurance. Although their situation was stressful, the Greens were trying to cope. However, they were not able to repair their broken furnace. As a result, the baby developed a respiratory infection. A public health nurse, concerned about the baby's health and Tommy's frequent injuries, reported the family to the child protective services agency. The Greens were charged with neglect, and Tommy and Ginny were removed from their home.

Many of the estimated 300,000 children in foster care come from similar situations.[2] Although media attention focuses on extremely abusive families, many children are in state custody due to parental neglect; their parents failed to provide adequate care. In 1985, neglect accounted for the majority (58.5 percent) of child maltreatment cases.[3]

The Green's case illustrates a child welfare system that makes short-term, reactive decisions. The long-term, best interests of the child and family often are sacrificed when out-of-home placement is made without first attempting to help solve their problems. In addition, foster care often produces irreversible harm to children.

Removing a child from home often is regarded as the easiest course. It may be viewed as a way to avoid liability--by placing the child in foster care rather than risking harm at home. The system, often already overloaded and underfinanced, may consider removal of the child from home as less work than providing needed alternative services. Recent social work developments indicate, however, that even families apparently without skills and with multiple problems can learn new ways of coping.

Although foster care theoretically is intended as a temporary crisis intervention strategy, children often remain in placement for long periods of time. In 1984, 40 percent of the foster care population was in placement for two years or more, with 18 percent placed for five years or more.[4]

Removal from their families and prolonged foster care deprive children of the stability and sense of belonging that is essential for their emotional well-being. Tommy's case is an example of a system failing to provide a permanent home:

> By age seven, Tommy had been in five foster homes. His behavior became increasingly destructive and he had

difficulty in school. He was placed out of state and transportation problems precluded parental visits. Tommy did not hear about his parents, nor did his parents have access to information about him.

By age 15, Tommy was no stranger to juvenile court. After repeated incidents of truancy, shoplifting, and running away, he was placed in a juvenile institution.

Such lack of communication or visitation between parents and a child strains their relationship. Geographical distance also can sever family ties. "Foster care drift," in which children spend years moving among a series of foster care settings, is especially traumatic. Development is further hindered when children are placed in settings, such as institutions, that are too restrictive for their needs.

Barriers to adoption hamper many children's chances of finding a permanent home with a new family, as Ginny Green's case shows:

Upon separation from her family, the infant Ginny Green was placed in a foster family home. The foster parents quickly formed attachments to the frail baby. It soon became obvious that she had cerebral palsy and required frequent medical attention and physical therapy. After a year of little parental contact, the foster parents expressed interest in adopting Ginny. They learned, however, that without the foster care maintenance payments or Medicaid, for which Ginny was eligible while in foster care, they would not be able to afford the medical attention she needed.

Like Ginny, an estimated 22 percent of children in foster care in 1984 had special needs.[5] By linking medical and other benefits to foster care status, the child welfare system actually provides financial disincentives to adoption of these children.

At the same time, the financial costs of out-of-home placement strain state budgets. The average annual expense of institutional care is as much as $25,000 in New York, and foster family care costs range from $2,500 in Nevada to $7,500 in New York.[6]

State Implementation of Permanency Planning Initiatives

Reforms in basic child welfare practices are needed to address the widespread problems of a system that uses foster care excessively. P.L. 96-272 redirects the system to providing permanent homes for children, with family preservation the goal in most cases. States must meet with the act's requirements in order to claim federal reimbursement for individual foster care cases when placement is necessary and to take full advantage of additional federal child welfare funds.

The federal government provided the impetus for broad reform but has given the states little guidance in effective implementation. The Department of Health and Human Services, with its different divisions responsible for various aspects of the reforms, has been slow to issue regulations interpreting the law, and those regulations it has issued have been vague. The fiscal incentives of the act have lost some of their effectiveness because of federal budget cuts and delays.

As the federal department audits states for compliance with P.L. 96-272, it examines foster care cases for records of agency efforts to serve the best interests of children and their families. State claims for federal reimbursement of foster care costs are jeopardized by failure to comply and have been withheld as the result of past audits of some states.

Despite the intent of the federal child welfare reform legislation to reduce the foster care population, the system is not functioning as well as many had anticipated. The foster care population has been reduced from 1978 levels of one-half million children[7] to an estimated 300,000. Recently, however, the number of children in out-of-home care has been increasing. State child welfare systems are experiencing enormous pressures because of

increased reports of abuse and neglect cases, fiscal restrictions, organizational inertia and resistance, and greater media attention.

Child welfare systems deal with complex problems for which there are no simple solutions. Implementation of the reforms of child welfare has been a long process with considerable challenges, which the states are attempting to address through a variety of legislative initiatives, agency policies, and court rules. Legislators are meeting these challenges by becoming increasingly sophisticated regarding programmatic issues and options.

Foster Care Prevention and Family Reunification Services

Introduction

A new priority is being given to services that eliminate the need for out-of-home placement. P.L. 96-272 requires that each state have a system-wide plan for prevention of unnecessary use of substitute care. This initiative calls for services to strengthen the family unit.

The goal of family-based child welfare is to provide for the best interests of the child by teaching families new skills and providing needed support services. By helping families remain intact, states establish a continuum of care in which out-of-home placement is no longer the prevalent approach. With such services in place, it is necessary to remove a child from home only in an emergency or an extreme situation and often the family can be reunited soon.

Service Trends

Intensive, short-term, family-based services offer a promising alternative to foster care. A number of states and localities are experimenting with this method of preserving families. Making intensive services available when a family is in crisis offers a greater possibility for substantial and lasting change than infrequent social worker contacts spread over many months or years.

Family preservation services, the most concentrated model of family-based programs, differ from traditional child welfare services in a number of ways:

- o The focus is on the family as a whole rather than on just one member.

- The goal is to strengthen the family to provide a safe, caring environment, rather than to undermine its stability through out-of-home placement of children.

- Placements, when necessary, are shorter and more appropriate to the family's needs and focus on reunification as quickly as possible.

- Services are intensive and of brief duration.

- The home-based services provider is crisis response-oriented, offering flexible assistance beyond conventional business hours. The family has immediate access to needed services.

- Assistance is determined by the family's needs. It may include "hard" services (such as housing, emergency financial aid, food, or transportation) as well as more conventional "soft" services (counseling, day care, homemakers, or parenting education).

- Worker caseloads are reduced greatly, usually from two to five families as opposed to 25 to 50 children of traditional caseworkers.

State Legislative Action

Federal law provides little guidance for what services constitute reasonable efforts to prevent foster care placement. State legislative action plays a key role in directing the state child welfare agency to provide family-based services. Although general statutory authority to provide services to children and families is reported in 42 states,[8] few state statutes specifically define and authorize foster care prevention and family reunification services. The nature and scope of services and delivery systems vary widely among states.

Eligibility. By defining who is eligible for services, legislation can have far-reaching organizational and financial implications. When families with children at imminent risk of placement are eligible for alternative services, the potential for preventing expensive, long-term, out-of-home placement increases. Intensive family preservation services generally are recognized as a cost-effective alternative to extended foster care.

State statutes defining eligibility vary in scope. Washington's statute makes broad provision for eligibility with potential for great accessibility to services.

> Families who are in conflict may request family reconciliation services.[9]

In contrast, California's law details eligibility for specific services. For example, the Family Maintenance Program, one of the state's three major service delivery programs aimed at family preservation and reunification, provides services without regard to income. Eligible are:

1) Families whose child has been adjudicated a dependent of the court and who remains at home; or

2) Families whose child is in potential danger of abuse, neglect, or exploitation, who are willing to participate in corrective efforts, and where it is safe for the child to remain in the home only with the provision of services.[10]

Another approach, and one that is probably typical of most states, is found in Indiana's statute, which states:

> The local child protection service shall offer to the family or any child believed to be suffering from child abuse or neglect, the family or rehabilitative services, or both types of services, that appear appropriate.[11]

Most states cannot afford unlimited eligibility for foster care prevention services and must make difficult choices. By focusing on families involved in the child protective services system, states (such as California and Indiana) make those most in need or in crisis the target for scarce resources. Primary prevention measures then are supplied through other avenues.

Services. Although each state must designate in its state plan the preventive and reunification services that are available, the federal government has not required specific services. Federal regulations have suggested a comprehensive range of services that can be tailored to fit a family's unique needs, including:

1) Twenty-four-hour emergency caretakers and homemaker services;
2) Day care;
3) Crisis counseling;
4) Individual and family counseling;

5) Emergency shelters;

6) Procedures and arrangements for access to available emergency financial assistance;

7) Arrangements for the provision of temporary child care to provide respite to the family for a brief period.[12]

An advantage of the family preservation services model is its ability to provide or coordinate each of these components. Most effective family-based programs offer such combinations of services and consider it crucial to their success.

An issue for state legislative provisions is specificity as opposed to flexibility in defining service components. Some states have general guidelines for an open-ended set of services, while other states list specific services that must be available. General statutes may not provide the impetus necessary for development of family-based service systems. The itemized list, on the other hand, details legislative expectations, sending a definite message to state and local agencies regarding their responsibilities. Mandating specific services takes this approach a step further by providing an entitlement to certain basic services.

General Authority. Washington's statute, for example, gives the agency certain leeway by directing it to provide services to:

> Alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible.[13]

While public policy directed at the state child welfare agency commonly is recognized as important to the development of a family-based system, the

role of the courts is also crucial. In a number of states, legislation gives the court authority to order foster care prevention and family reunification services. For example, Indiana's statute provides general guidelines for the juvenile court to:

> Order the child or his parent, guardian, or custodian to receive family services.[14]

Specific Authority. California's statute directs the county agency to provide specific emergency services, family maintenance services, and family reunification services. For example:

> Family maintenance services shall include, but not be limited to, counseling, emergency shelter care, out-of-home respite care, teaching and demonstrating homemakers, parenting training and transportation.[15]

Again, New Hampshire and Wisconsin address the role of the judiciary. Both give the court statutory authority to order itemized services. For example, Wisconsin's legislation allows the court to:

> Order the agency to provide specified services to the child and the child's family, which may include but are not limited to individual or group counseling, homemaker or parent aide services, respite care, housing assistance, day care or parent skills training.[16]

Mandated Services. New York's Child Welfare Reform Act of 1979 takes a third approach. Rather than specifying services to be available, it requires that the state social services department define core services. Each

local district must provide the following core services: day care, homemaker services, parent training and parent aides, transportation, clinical services, and 24-hour emergency placement assistance. The implication of this approach is that, in most situations, children and families are entitled to certain basic services before removal can take place.

The Role of the Court

Introduction

The role of the court is crucial in child welfare decisions, particularly those concerning placement and treatment. Recent child welfare legislative activity has focused increasingly on the so-called judicial determination of reasonable efforts to prevent or eliminate the need for out-of-home placement, or foster care. Under P.L. 96-272, states must meet certain requirements, including a judicial determination assessing the provision of alternatives to foster care services. In each foster care case, the court must rule whether the state has made reasonable efforts to provide services aimed at keeping the child's family together.

As of July 1987, 26 states have enacted legislation mandating a judicial determination of reasonable efforts. (See Table 1.) These statutes direct the court to ensure that the child welfare agency has provided services to prevent unnecessary separation of parents and child and to reunite the family when possible. Checks and balances thus are established for improving the administration of services to the family in crisis.

The Judicial Determination of Reasonable Efforts

Required Court Action. The usual procedure for removal of a child from home involves a petition of the court by the state agency. To qualify for federal reimbursement, the court must make, in each case, make an explicit determination that the agency made reasonable efforts to prevent the need for out-of-home placement.

Definition. The federal legislation does not attempt to define *reasonable efforts.* The states, therefore, are responsible for promulgating a

definition through legislation, child welfare agency policies, and court rules. A difficult standard to interpret, reasonable efforts are defined by statute in only four states (Arkansas, Florida, Louisiana, Missouri).[17] Missouri's definition creates a state responsibility to make services available.

> Reasonable efforts shall mean the exercise of ordinary diligence and care by the division and shall assume the availability of a reasonable program of services to children and their families.[18]

Removal from the Home. A number of state statutes (Georgia, Illinois, Iowa, Kansas, Kentucky, Maine, Mississippi, Nebraska, New York, Washington, and Wisconsin) require a positive determination of agency efforts in order for removal to take place.[19] Other states (Arkansas, California, Florida, Idaho, Indiana, Louisiana, Massachusetts, Missouri, Nevada, New Mexico, Oklahoma, Oregon, Pennsylvania, Virginia, and Wyoming) require that the court make a reasonable efforts determination, but they do not make removal contingent upon a positive finding.[20] The latter strategy allows removal in situations when the child's safety may be threatened, although the agency has not provided reasonable preventive services. Without statutes specifically tying reasonable efforts to removal, however, the entitlement to the family services component of reasonable efforts may be diluted. Several states have dealt with this problem by specifying the situations where removal is authorized for the child's safety despite the lack of reasonable preventive efforts. Twelve states (Arkansas, Florida, Idaho, Indiana, Louisiana, Mississippi, Missouri, New York, Oklahoma, Oregon, Pennsylvania, and Virginia) have statutory language that addresses such situations.[21] For

example, Arkansas' statute provides for situations when removal is necessary although reasonable efforts have not been made.

> Where the court finds the state agency's preventative or reunification efforts have not been reasonable, but further preventative or reunification efforts could not permit the child to safely remain at home, the court may authorize or continue the removal of the child.[22]

Emergencies. In emergencies, removal may be necessary for the safety of the child. In order to claim reimbursement, federal regulations require the court to find that *lack* of preventive efforts were reasonable under the circumstances.[23] For example, if a child is in imminent danger, the agency is not obligated to provide services aimed at keeping the child at home. Instead, the child first is removed to a safe environment. Then the agency is required to work with the parents to teach them skills or provide services necessary to create a safe home for the child's return. Emergencies are addressed in the statutes of Arkansas, California, Florida, Idaho, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Oregon, Pennsylvania, and Virginia.[24]

Reunification Efforts. To qualify a child for federal financial participation while in foster care, P.L. 96-272 requires a determination of reasonable prevention and family reunification services. When prevention efforts are not made or are not successful prior to the child's removal from the home, a judicial determination of reunification efforts is necessary. The following case illustrates a situation when prevention efforts may not be appropriate.

> Mrs. Gray, a single parent, has five children ranging in age from six months to eight years. Mrs. Gray's parents and older sister, with whom she was very close, recently were killed in a car accident, and Mrs. Gray has been too depressed and overwhelmed to meet her family's demanding needs. A concerned neighbor helped Mrs. Gray approach the child welfare agency for assistance. Respite child care was provided for the children, and counseling services were available for Mrs. Gray. It soon became obvious, however, that short-term residential treatment was necessary for Mrs. Gray to deal with her serious depression. The children were placed in temporary foster care, and Mrs. Gray received the help she needed to return within several weeks as a capable mother.

Most states with judicial determination statutes address reasonable efforts to reunify families (Arkansas, California, Florida, Georgia, Indiana, Iowa, Louisiana, Maine, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Washington, and Wisconsin).[25] For example, Iowa's statute states:

> If the court orders the transfer of custody of the child to the department of human services or other agency for placement, the department or agency shall make every effort to return the child to the child's home as quickly as possible.[26]

Federal regulations recognize some circumstances in which reasonable efforts at family reunification are inappropriate. Examples include situations of extreme risk to the child, abandonment, and refusal by the parents

to participate in services despite the agency's diligent efforts. Funding is not jeopardized in those cases if a determination is made that *lack* of reunification efforts is reasonable. Florida's statute provides for a determination specifically

> when the severity of the conditions of dependency is such that reunification efforts are inappropriate.[27]

Timing of the Determination

Court Procedures. Removing a child from his or her family is a process with various points at which the judicial determination may be appropriate. Although state procedures vary, there are generally five types of hearings in a child abuse/neglect case:

1) Emergency hearing, a process for obtaining a court order for removal of a child in an urgent situation;

2) Shelter care hearing (also called detention, probable cause, or continued custody hearing), usually held from two to ten days after removal, authorizes temporary custody of the child;

3) Adjudicatory or fact-finding hearing, where the court determines if the child is abused or neglected;

4) Disposition hearing, in which the court decides the placement of and basic plan for the child;

5) Periodic case review, which includes a federally required 18-month judicial review.

Federal funding can be claimed from the first day of placement in the month when all the eligibility factors (including the judicial determination) have been met. Therefore, fiscal incentives encourage determination at an early hearing. But, if a determination is made later at a full hearing, the parents have an opportunity to present evidence concerning the state's prevention efforts, cross-examine witnesses, and be represented by counsel. By requiring a determination at each point in the legal process, a continuum is established for assessing the family's and the agency's progress.

State Approaches. States' most common method (in Florida, Idaho, Indiana, Iowa, Kansas, Mississippi, Oregon, Virginia, Washington, and Wisconsin) is to require the court to assess reasonable efforts at more than one hearing.[28] Florida statutes provide a detailed structure for the determination at: 1) the emergency hearing, 2) the 48-hour detention hearing, 3) the adjudication hearing, and 4) the disposition hearing.[29] Indiana law goes one step further by linking the judicial determination to its periodic case review system, requiring the court to determine reasonable efforts to reunify the family at the 18-month case review.[30]

Documentation

In order to meet the federal reasonable efforts requirements, the court's determination must be documented adequately. Fifteen states (Arkansas, California, Florida, Georgia, Illinois, Iowa, Kansas, Mississippi, Missouri, New York, Oklahoma, Oregon, Virginia, Washington, and Wisconsin) require that the determination be included in the court order resulting from child abuse and neglect proceedings.[31] Fourteen states (Arkansas, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Mississippi, Missouri, Oregon, Virginia, and Washington) require the judge to make findings

of fact regarding reasonable efforts.[32] In 10 states, the determination is included in both; Pennsylvania requires a detailed court order or findings of fact.

Whether the determination is documented in the court order or in the judge's findings of fact, its specificity varies among states. Requiring detail in the court order or findings of fact serves to assure the court's careful consideration of each family's case and the agency's efforts. These itemized factors also clarify the court record by disclosing the exact grounds for the judgment. Accuracy and precision in the record may be helpful in later proceedings, such as appeals initiated by the child's parents or other interested parties, or court proceedings to terminate parental rights.

For example, Arkansas' statute specifically requires that the court order describe:

1) Whether removal is necessary for the child's protection;
2) The family services available before removal;
3) Efforts made to provide those services relevant to the family's needs;
4) Why those efforts did not prevent the child's removal; and
5) Whether the efforts were reasonable, based on the needs of the child and family.[33]

Similarly, the Indiana statute outlines issues that the court must address in written findings at disposition, including:

Table 1.

Judicial Determination Of Reasonable Efforts--State Statutes

	AR	CA	FL	GA	ID	IL	IN	IA	K
Definition									
Defines reasonable efforts	*		*						
Removal									
Positive determination required for removal				*		*		*	*
Removal not contingent on positive determination	*	*	*		*		*		
Addresses removal without reasonable efforts	*		*		*		*		
Addresses removal in emergencies	*	*	*		*				*
Reunification									
Requires determination of reasonable efforts to reunify family	*	*	*	*			*	*	
Timing									
At removal--hearing not specified	*	*							
At emergency removal		*	*						*
Initial detention hearing			*		*	*	*	*	*
Adjudicatory hearing			*				*		*
Disposition hearing			*	*	*		*	*	*
Other1							*		
Burden Of Proof2									
Contains burden of proof language	*		*						
Documentation									
Petitions required to include reasonable efforts allegations3					*		*		
Court reports by agency must outline efforts4		*	*						
Findings of fact required	*		*	*	*	*	*		*
Court orders specified	*	*	*	*		*		*	*

1. Indiana requires a determination at periodic case review hearings, held every 18 months after original disposition.
2. The state child welfare agency has the burden of proving to the court that it made reasonable efforts.
3. South Carolina Code Annotated, Section 20-7-736(c)(Law Co-op 1985) also requires that reasonable efforts allegations be included in petitions.
4. Alaska Statutes, Section 47.10.081(b)(2)(1986) also requires that court reports outline efforts.

Y	LA	ME	MA	MS	MO	NE	NV	NM	NY	OK	OR	PA	VA	WA	WI	WY
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1) The child's needs for care, treatment, and rehabilitation;
2) The need for the parents' participation in the child's plan;
3) Efforts made to prevent removal or to reunite the child with his family;
4) Family services that were offered and provided to the child or parents;
5) The court's reasons for disposition.[34]

Detailed, written documentation of the agency's efforts helps to establish genuine checks and balances, rather than merely a paper review. The goal of the judicial determination, to consider the adequacy of efforts made to keep the family together, helps to ensure each individual child's best interests and rights to a safe, nurturing home.

State Agency Practice and Procedures

Introduction

The Adoption Assistance and Child Welfare Act of 1980 calls for comprehensive reforms throughout the child welfare system. The court role in preventing foster care placement and encouraging timely family reunification has been discussed. But to take advantage of P.L. 96-272's financial incentives, other substantive changes are required in social work practices and agency procedures. State legislatures play a major role in orchestrating these reforms.

Case Plans

Be requiring a written case plan for each child, P.L. 96-272 encourages the development of long-term solutions for individual children and families. The case plan states the goals for the child and family, the action to be taken by all parties, the services to be provided, and dates for completion of objectives.

Plans for providing services and care must focus on permanence, either through return home or alternative guardianship, and must be developed within a reasonable period of time. In order to facilitate family reunification, the plan must be designed to achieve placement in the least restrictive, most family-like setting possible and in proximity to the home. Each child's special needs must be considered in making appropriate placements.

Written case plans are used widely throughout the states. Thirty-four states have statutory requirements for written case plans. An additional 14 states have rules requiring the plans.[35]

Case Reviews

Requiring periodic case reviews for each child in placement addresses the tremendous problem of foster care drift. Case plans are reviewed periodically to determine whether the child and family are receiving appropriate care and services. The progress toward permanence for the child is examined to ensure that efforts are adequate and timely.

P.L. 96-272 establishes checks and balances of the child welfare system. Case reviews, made at least every six months, monitor the system's progress on behalf of the child. They are conducted by a court, an administrative agency, or a citizen review board. Key elements of the review include consideration of the continuing need and appropriateness of placement, compliance with the case plan, progress toward a permanent home, and a projected date for return home or adoption.

In addition, a dispositional hearing must be conducted by a court or court-approved body at 18-month intervals. This dispositional hearing requires a determination of the future status of the child and efforts necessary for providing a permanent home. In some states, the oversight and dispositional reviews are combined. Most states provide statutory mandates for case reviews:

- Thirty-eight states require court reviews;
- Twenty-one states require administrative reviews; and
- Thirteen states have citizen review boards.[36]

Reviews also are required by agency regulation, rule, or policy, as well as by court rule.

Procedural Safeguards

In order to address grievances with the system, the federal act mandates a fair hearing before the welfare agency. When certain benefits are denied, the foster or adoptive parents involved are entitled to such a hearing. The natural parents may use the grievance procedure when denied specific foster care prevention or family reunification services.[37]

P.L. 96-272 requires other procedural safeguards to protect the parents' interests and to facilitate appropriate reunification by preserving parental contact with children in substitute care. Parental rights pertaining to removal of the child, to change in the child's placement, and to visitation privileges are addressed.[38]

Many states provide procedural protections for children and parents in situations where emergency removal is necessary. The statutes vary widely among the states. Most address basic parental notification rights and require a prompt court hearing, after the child is removed from the home.

Frequent parental visitation of children in temporary foster care helps to maintain family ties and ultimately to facilitate reunification. Twenty-one states protect parental visitation rights through statutes.[39]

Voluntary Placements

Agencies have been accused of coercing parents into giving up custody of their children, when there is insufficient legal evidence to prove the home unfit. Children voluntarily placed by their parents in foster care require protection from prolonged, unnecessary confinements in the system. Two requirements of P.L. 96-272 provide safeguards for voluntarily placed children and their parents.

A written placement agreement that specifies the rights and obligations of the parents and the agency is mandated. Detailed documentation ensures

that parents are not coerced into relinquishing their children and clarifies the record for future court or agency action. Twenty-one states have statutory requirements for written placement agreements. Fourteen additional states require by rule or regulation the agreements for voluntarily placed children.[40]

To ensure that voluntarily placed children do not get lost in the foster care system and that permanency planning takes place on their behalf, case reviews are required. After six months, a judicial or administrative determination must verify that continued placement is in the best interests of the child. Such review is statutorily mandated in 21 states and is required by rule or regulation in 10 states.[41]

Overview

Table 2 summarizes state activity regarding some major requirements of P.L. 96-272 that must be addressed for full federal financial participation.[42]

Table 2.

Overview of State

Implementation of P.L. 96-272

P.L. 96-272 Requirements	Number of States with Statutory Implementation	Total States with Some Means of Implementation
Written case plans	34	47
Periodic case reviews	42	48
Emergency removal procedural protection		
o For children	47	48
o For parents	44	45
Voluntary placements		
o Written placement agreements	24	38
o Review	21	31
Protection of parental visitation rights	21	40

Termination of Parental Rights

Background

When a child cannot be reunified with the family, a permanent, adoptive home is the preferred option. A court procedure that ends all the parents' rights to control and personal contact is legally necessary to free the child for adoption. Although P.L. 96-272 does not address the procedure directly, termination of parental rights is intrinsic to the intent of the act.

Voluntary relinquishment allows parents to free their child for adoption without the court procedures of involuntary termination. Legislation provides procedural safeguards to protect parents from coercion.

Procedures for the proceedings of involuntary termination of parental rights vary from state to state. In some states, a petition to terminate the parental relationship is brought as a civil action. Other states include the termination hearing within other child welfare court proceedings. The termination trial basically recounts the history of the relationship between the natural parents and the child. The petitioning party, usually the child welfare agency, has the burden of proving that the safe return home of the child is impossible and that new attempts to reunify the family will be harmful to the child or unsuccessful. The proceeding allows testimony and questioning by both sides.

State Legislation

All states have statutory provision for dissolution of the parent-child relationship. Recognizing the importance of termination for the timely placement of the child in a permanent home, many states are clarifying procedures and taking steps to encourage permanency planning. For example,

Arizona's legislature in 1986 directed the State Foster Care Review Board to review cases eligible for termination and appropriated $175,000 to expedite proceedings.[43] Backlogged cases sometimes simply need money for attorneys.

The act of dissolving an individual's rights to parent his or her children is controversial and evokes conflicting responses for most people. Clearly defined procedures are necessary to ensure fair treatment for both parents and children. Given that the circumstances of individual cases are often complex, achieving balance and clarity of statutory directives is challenging. Precise statutory grounds for termination of parental rights guides judges in making consistent decisions and directs them to focus on providing stability for the child. Establishing reasonable time limits on family reunification efforts helps prevent the child's spending long periods in foster care waiting for the home situation to improve enough to return. The basic intent of these initiatives is to act in the best interest of the child rather than to punish the parents.

Protection of Parental Rights. In order to provide protection for parents, statutes in Georgia, Indiana, Mississippi, Nevada, and Oregon recently have raised the standard of proof for involuntary termination of parental rights from "a preponderance of evidence" to require "clear and convincing" evidence or proof.[44] At least 35 states provide for an attorney to represent indigent parents in termination proceedings.[45] These growing legislative trends attempt to ensure due process.

Time Frames for Termination. Thirty-nine states have statutory definition for the length of time a child can be out-of-home before termination proceedings are permitted or mandated.[46] These provisions focus the court's attention on the child's need for stability within a reasonable time. For example, in Virginia's statute, termination is permitted when parents have failed to contact or plan for the child for a period of 12

months. On the other hand, abandonment is grounds for termination after six months when the parents' identity is not known, they have not come forward to claim the child, and diligent efforts have been made to locate them.[47]

Some states differentiate the time limits for separation based on the child's age. These statutes usually specify a shorter period for younger children, as the lack of a stable home may have a more serious impact on their development. For example, New Mexico assumes consent to relinquishment: 1) if the parents leave the child in the agency's or another's custody without communicating for a three-month period if the child is under six years of age, or 2) if the parents leave a child for a six-month period if the child is over six years of age.[48]

Specific Grounds for Termination. Clearly defined grounds for termination direct the judiciary to make consistent decisions. As Table 3 indicates, most states specify grounds for termination in legislation. Since 1984, at least 17 states have revised or clarified the statutory grounds for termination. In many cases, these changes ensure consideration of permanency in the child's life.

Procedures. A number of states have taken steps to streamline the termination process to avoid unnecessary, prolonged waiting for the child. In 1983, Michigan reduced the time period for filing a rehearing request from three months to 20 days.[49] Connecticut and Wisconsin recently made statutory provisions easing some requirements for notifying parents of termination proceedings.[50]

Table 3.

Grounds for Termination of Parental Rights

Grounds for Involuntary Termination	Number of States with Statutory Provisions
Parental condition (mental, alcohol, or drug abuse)	42
Parental conduct toward child (abandonment, abuse, neglect)	45
Parental conduct during child's placement (contact, home condition)	40
Length of time child has been out of parent's custody	39
Efforts of state to reunify family	36
Significant relationships	23
Child's preference	20
Alternative placements	23
Best interests of the child	42

Adoption Assistance

Introduction

States are recognizing the importance of their efforts to facilitate adoption when children cannot be reunited with their natural families. In 1984, adoption was the placement goal for an estimated 14 percent of children in substitute care,[51] but only 4 percent were placed in adoptive homes.[52] An estimated 36,000 children are legally free and waiting for adoptive homes.[53] For many, the wait is tragically long. In 1983, a New York child legally free for adoption spent an average of six years waiting for a permanent home.[54] Recent legislative initiatives aim to expedite permanent placements by facilitating adoptions with relatives and foster parents, providing financial incentives for adopting children with special needs, and establishing interstate adoption agreements.

Foster Parent or Relative Preference

In 1984, 33 percent of adopted foster children were placed permanently with their foster parents and 11 percent with relatives.[55] Timely permanent placement can be stimulated by providing incentives for foster parents or relatives to adopt the children with whom they already have emotional ties.

A number of states give preference through subsidies or other special consideration. New York recently decreased, from 18 to 12 months, the length of time foster parents must have custody of a child before they are given preference in adoption.[56] In 1985, California authorized the deferment, reduction, or waiver of a $500 adoption fee when the child has been in the foster care of the adoptive parents for one year.[57] A 1987 Arkansas act requires that the court give first preference for adoption to a relative out of consideration of the child's minority race or ethnic heritage.[58]

Adoption Subsidy for Special Needs Children

An effective program of adoption subsidy can be a valuable resource in facilitating permanent placements for children with special needs, including those who are older; physically, mentally, or emotionally handicapped; members of minority groups; and siblings who need to be placed together. In 1984, an estimated 43 percent of the children waiting to be adopted had special needs;[59] an estimated 48 percent were members of a minority.[60] Adoption assistance can increase the number of homes available for these children, making it financially feasible to adopt them by subsidizing their medical and other special expenses and by easing the costs of child-rearing in general. Financial assistance also removes a major disincentive for foster parents to adopt--the loss of foster care payments and services.[61] By reducing the foster care population, adoption subsidies are economically beneficial to the states.

Federal Incentives. P.L. 96-272 provides federal matching funds for adoption subsidies for certain special needs children. States are taking increasing advantage of this incentive. In fiscal year 1982, 3,800 children received $4.7 million in federal adoption assistance. By 1986, an estimated 21,000 children received $46 million.[62] An additional benefit available to children who meet federal standards is Medicaid eligibility.

The act establishes basic adoption assistance criteria. There must exist "a specific factor or condition," within certain broad parameters, that makes it difficult to place a child.[63] To qualify for federal reimbursement, the child also must be eligible for Aid to Families with Dependent Children (AFDC) or Supplemental Security Income (SSI). Income of the adoptive parents is not a factor; the adoption subsidy is an entitlement for the child.

State Legislation. Adoption subsidies are provided by all 50 states and are established by statute in 49 states.[64] Statutory guidelines for eligibility are provided by 44 states.[65] Beyond the basic federal requirement, the states have flexibility in defining the special needs that make a child eligible for subsidy. For example, the age at which it becomes difficult to place a child varies from state to state. In Florida, the statute includes children eight years or older among those with special needs.[66] Indiana law grants eligibility to minority children at age two and to other children at age six.[67]

A number of states go beyond the federal directive by subsidizing adoptions of children who do not qualify for federal matching funds. This practice extends assistance to children who are not AFDC or SSI eligible.

Community outreach helps to inform the public of the availability of adoption subsidies and the need for adoptive families. Several states have established outreach efforts by statute.[68] New York, for example, requires the use of broadcast and print media to publicize the adoption subsidy as well as other distribution of information.[69]

Other Financial Incentives. Some states provide further financial incentives for adoptive families. Maryland created a state income tax adjustment for expenses incurred by parents to adopt a special needs child.[70] In 1986, the South Carolina Code was likewise amended to allow a $2,000 state income tax deduction to a person who has adopted a child with special needs.[71]

The Interstate Compact on Adoption and Medical Assistance

The Problem. Interstate adoption is sometimes the only opportunity for a child with special needs to find a permanent home. When an adoptive family cannot be located within the child's home state, adoption exchanges are used increasingly to facilitate interstate placement. There are, however, particular problems with out-of-state adoption when the child is eligible for a subsidy. Differences in state laws and policies create special concerns, especially regarding the apportionment of legal and financial responsibilities. In order for adoption subsidies to be effective, the adoptive parents must be assured that coverage will be effective regardless of their state of residence.

Payment of cash adoption subsidies across state lines causes no significant problems because the adoption assistance state simply can mail the benefit check to the family. The most significant difficulty in interstate subsidized adoptions is often the provision of medical services through Medicaid; Medicaid policies vary among states. Health care providers often have been reluctant to accept Medicaid cards issued in another state due to reimbursement problems. Eligibility for Title XX social services and availability of specific types of services also varies.

Federal Legislation. P.L. 96-272 requires that adoption assistance agreements remain in effect regardless of the state in which the adoptive family lives and must provide protection for the child's interests when the family moves out of state.[72] These interstate protections must be included in all assistance agreements that the states make with adoptive parents. The act encourages an interstate compact to manage state responsibilities for delivering services and to protect the interests of children eligible for adoption assistance.[73]

The federal Consolidated Budget Reconciliation Act of 1986 provides that children receiving adoption assistance or foster care funds are eligible for Medicaid and Title XX services in the state where they reside. This legislation, however, does not address the processes for obtaining services in the state where the adopted child resides. The Interstate Compact on Adoption and Medical Assistance, envisioned as complementary to the 1986 funding requirement, does provide a mechanism for states to establish and agree upon service delivery methods.

Overview of the Adoption Assistance Compact. The compact and underlying legislation authorize the states to make interstate adoption assistance payments as required by P.L. 96-272 and clarify the responsibilities of both states. In order to comply with federal law and to assure the effectiveness of interstate contracts, it establishes minimum requirements for adoption assistance agreements. A major part of the compact deals with provision of medical services. Because of differences in medical coverage in the states, the compact ensures that the adoption assistance state will pay for any medical services that it normally provides for its children, if the child's state of residence does not cover such services. Although the agreement does not specify responsibility for social services, it expresses the intent that the states work together to facilitate service delivery.[74]

State Legislation. The enabling legislation suggested for the interstate compact authorizes the appropriate state agency to enter into the compact as a legally binding agreement. The Suggested Act Authorizing an Adoption Assistance Compact and Procedures for Interstate Services Payments includes other provisions regarding:

- The content and effects of adoption assistance agreements;
- Withdrawal procedures with one year's prior notice;

o Procedures and payment for services.[75]

To date, 18 states have enacted the enabling legislation and signed the Interstate Compact on Adoption and Medical Assistance (Arkansas, Colorado, Delaware, Hawaii, Indiana, Kansas, Kentucky, Louisiana, Maine, Minnesota, Missouri, Nebraska, New Hampshire, New Mexico, Oklahoma, Utah, West Virginia, and Wisconsin). Two states, Georgia and Tennessee, have passed the suggested act but not yet signed the compact.[76]

Alternative Forms of Permanent Placement

When a child cannot be reunited with his or her parents, adoption is the first choice for a permanent home. However, adoption may not meet the needs of a particular child or situation. Older children may have strong emotional ties with their natural parents, which deserve consideration even though reunification is not possible. Sometimes these children are opposed to adoption. Or the child may have a strong relationship with foster parents who, for various reasons, do not wish to adopt, but are willing to provide a permanent home. If the child is adopted, the child may lose certain financial benefits that the foster family cannot assume.

The foster care population is growing older. In 1984, over half of all children in substitute care were estimated to be 11 years or older,[77] but only 23 percent of adopted foster children were in this age range.[78] Since older children are frequently difficult to place in adoptive homes, it is worthwhile to examine alternative forms of long-term care. The basic options are long-term foster care, guardianship or permanent custody, open adoption, and independent living.

Long-Term Foster Care. Statutes in 29 states provide a long-term foster care option after efforts to reunify the family and to place the child for adoption have failed.[79] Maine's statute requires a written agreement between the foster parents and the agency that specifies the rights and obligations of the foster parents and the natural parents and includes a plan of care for the child.[80] In Virginia, the permanent foster care placement continues until the child reaches the age of majority or the placement is changed by court order.[81] In both states, the child remains in the custody of the agency, and the state retains eligibility for federal reimburse-

ment of foster care funds.

Guardianship. This placement option enables the guardian to obtain unsupervised authority over the child. State statutes enable appointment of the guardian by the juvenile court or by another authority, usually the probate courts. Washington's juvenile court guardianship statute requires that the court order specify the guardian's rights and responsibilities, the natural parents' visitation privileges, and any continued involvement of the child welfare agency.[82] In California juvenile or probate court, guardianship is used widely as a permanent placement alternative.[83]

A child in permanent guardianship is not eligible for federal foster care reimbursement. In Washington and California, establishment of a permanent guardianship, however, does not jeopardize the child's eligibility for state foster care funds, provided certain requirements are met. In South Dakota's probate guardianship, the guardian may be ordered to assume financial support of the child.[84]

Open Adoption. In order to deal with older children who are attached to their own parents, relatives, or siblings and also need adoptive homes, states can provide an "open adoption" option. This strategy, the subject of increasing interest, would allow a court to finalize the adoption, while protecting the child's rights to maintain contact with natural relatives.

Independent Living. This arrangement aims to assist young people, usually 16 years of age or older, who are not able to be returned to their natural parents or find adoptive homes. Because these youths may have spent years in structured foster care settings, they often lack skills necessary to live on their own when they reach age 18. Independent living programs vary in the intensity and methods of their services. Some are small group, foster care settings that provide training in basic skills such as job

searching, meal planning and preparation, and budgeting and shopping. Other programs provide funding for the youths to live on their own in the community with intensive supervision.

Statutes authorize independent living programs in 11 states, including Arizona, Colorado, Florida, Oklahoma, Oregon, Virginia, and Wisconsin.[85] In the Consolidated Budget Reconciliation Act of 1985, a two-year initiative designated $45 million annually in federal funds for independent living programs to be shared by the states. Although release of the funds was delayed until July 1987, state funding applications indicate considerable interest in developing independent living programs as an option for youth.

Conclusion

Increasingly, state lawmakers have mobilized to develop family-based child welfare public policy. The new emphasis is on providing permanent homes for children. When possible, the goal is to provide services to keep families together. When a child must be removed from the home, new child welfare policies and practices aim to ensure that foster care is temporary, with prompt reunion of the family as the preferred action. If family reunification is impossible, adoption assistance is proving to be valuable in finding permanent homes. Procedures for termination of parental rights, necessary for freeing children to find new families, are being streamlined and expedited. For certain children, adoption is not an option; alternative permanent placements are being examined.

Prevention and reunification services have great potential for preserving families and promoting the well-being of members. Recent social work developments indicate that even families apparently without skills and with multiple problems can learn new ways of coping. Family crises otherwise can result in state intervention and the expense of extended foster care.

State legislators play a crucial role in preserving many families at risk. Statutory initiatives provide direction to the courts and child welfare agencies and outline parental responsibilities. States then realize the social and financial benefits of keeping families together.

A Case Study

When quality, family-based services are available, a family crisis can become an opportunity to acquire new skills for nurturing its members. Consider the consequences for the Green family who received intensive foster

care prevention services from Homebuilders, the Washington home-based program.

A public health nurse referred the Green family to the agency. She was concerned about the family's ability to adequately care for their infant daughter, who had health problems related to premature birth, and about the frequent injuries their three-year-old son had suffered during the past year.

The Homebuilder caseworker visited the Green home unannounced since the family could not afford a telephone. Recognizing the serious nature of a gas leak she smelled, the caseworker acted quickly to protect the family and have their furnace repaired. The next day she secured $25.00 from a charitable organization for telephone installation.

As the Homebuilder caseworker began to get to know Mrs. Green, together they identified the family's immediate needs. Mrs. Green was concerned about her son's "wild" behavior of touching the hot stove and laughing, banging his head against a wall until unconscious, and biting and hitting other people. She became so angry sometimes that she was afraid she might harm the boy. Mr. Green was usually away from the house unsuccessfully trying to sell insurance.

The caseworker arranged some respite child care and taught Mrs. Green behavioral child management skills to help her deal with her son's behavior. Together they enrolled the child in a special preschool program.

Through more intensive counseling, both parents were able to set long-term goals. Mr. Green shared his frustration over their lack of money. They decided to work on their marital problems in mental health counseling. With the caseworker's help, Mr. Green entered a job training program, and Mrs. Green became interested in improving the family's health and nutrition. She became involved with her son's preschool and started attending a mother's group.

A follow-up call from this family several months after Homebuilders' service was terminated revealed that they were still together as a family. Despite a number of problems and upsetting events, they were able to cope by using the new skills they had learned.

Homebuilders served this family for a total of $2,937. In Washington at the time, the average cost for foster care for two children, based on average duration of placement was $15,000. Home-based services thus resulted in considerable savings to the state.

Notes

1. Ms. Katie Bond, American Humane Association, July 1986, personal conversation.

2. Mr. David Liederman, Speech to National Conference of State Legislatures Advisory Task Force on Children, Youth, and Families, December 3, 1986.

3. U.S. Congress, House Select Committee on Children, Youth, and Families, *Abused Children in America: Victims of Official Neglect*, 100th Cong., 1st Session, March 1987.

4. *Comparative Statistical Analysis of 1984 State Child Welfare Data*, Vol. 1 (McLean, Va.: Maximus, Inc., 1986), p. 108.

5. Ibid., p. 72.

6. Shelley Smith, *Child Welfare in the States: Fifty State Survey Report* (Denver: National Conference of State Legislatures, 1986), p. 24.

7. *Children Without Homes: An Examination of Public Responsibility to Children in Out-of-Home Care* (Washington, D.C.: Children's Defense Fund, 1978), p. 2.

8. Smith, *Child Welfare in the States*, p. 31.

9. Wash. Rev. Code Ann. Sec. 13.32A.040 (Supp. 1986).

10. Cal. Welf. & Inst. Code Sec. 16506 (Deering 1986).

11. Ind. Code Ann. Sec. 31-6-11-11(f) (West 1986).

12. Debra Ratterman et al., *Reasonable Efforts to Prevent Foster Placement: A Guide to Implementation*, (Draft) (Washington, D.C.: American Bar Association, 1987), p. 51.

13. Wash. Rev. Code Ann. Sec. 13.32A.040 (Supp. 1986).

14. Ind. Code Ann. Sec. 31-6-4-15.4(6) (West 1986).

15. Cal. Welf. & Inst. Code Sec. 16506.1 (Supp. 1984).

16. Wis. Stat. Ann. Sec. 48.34(2)(m).

17. Ark. Stat. Ann. Sec. 45-436(5)(a)(3) (Supp.1985); Fla. Sta. Ann. Sec. 39.41(2)(b) (West Supp. 1986); La. Code Juv. Pro. art. 87(F) (West 1986); Mo. Ann. Stat. Sec. 211.183(2) (Vernon Supp. 1986).

18. Mo. Ann. Stat. Sec. 211.183(2) (Vernon Supp. 1986).

19. Ga. Code Ann. Sec. 15-11-41(c) (Supp. 1986); Ill. Ann. Stat. Ch. 37, Sec. 703-6(2) (Smith-Hurd 1986); Iowa Code Ann. Secs. 232.52(6), .95(2)(2), .102(3)(b) (West 1985); Kan. Stat. Ann. Sec. 38-1542(F) (Supp. 1985 as amended by 1986 Chap. 161); Ky. Rev. Stat. Sec. 620.140(3); Me. Rev. Stat. Ann. tit. 15, Sec. 3314(1)(C-1) (Supp. 1986); Miss. Code Ann. Secs. 43-21-301(4)(c), 309(4)(c), 603(7)(a) (Supp. 1986); Neb. Rev. Stat. Sec. 43-254 (Supp. 1985 as amended by 1987 L.B. 635); N.Y. Soc. Serv. Law Sec. 358-a(3) (McKinney Supp. 1986); Wash. Rev. Code Ann. Secs. 13.32a.170(1)(d), 13.34.060(6)(a) (Supp. 1986); Wis. Stat. Ann. Sec. 48.355(2)(a) (West 1986).

20. Ark. Stat. Ann. Secs. 45-436(5)(b)(1), (c)(2) (Supp. 1985); Cal. Welf. & Inst. Code Secs. 319, 361(B) (Deering Supp. 1986); Fla. Stat. Ann. Secs. 39.402(10), .42(2)(a) (West Supp. 1986); Idaho Code Secs. 16-1610(b)(2), 16-1614(e)(2); Ind. Code Ann. Sec. 31-6-4-15.3(g) (West 1986); La. Code Juv. Pro. art. 87(F) (West 1985); Mass. Gen. Laws Ann. ch. 119, Sec. 29c (West Supp. 1986); Mo. Ann. Stat. Sec. 211.183 (2) (Vernon Supp. 1986); Nev. Rev Stat. Sec. 432B.360(1985); N.M. Stat. Ann. Sec. 32-1-34(A)(9)(1984); Okla. Stat. Ann. tit. 10 Sec. 1104.1(D) (Supp. 1987); Or. Rev. Stat. Secs. 419.505(2) [Or. Laws 1985, ch. 721, Sec. 17(2)], 419.577(b)(A)(1985); Pa. Cons. Stat. tit. 42 Sec. 6332(a); Va. Code Secs. 16.1-279 (A)(3)(c), (C)(5)(c) (Supp. 1986); Wyo. Stat. Sec. 14-6-229(a).

21. Ark. Stat. Ann. Sec. 45-436(5)(d) (Supp 1985); Fla. Stat. Ann. Sec. 39.41(2)(f) (Supp. 1986); Idaho Code Secs. 16-1610(b)(2), 16-1614(e)(2); La. Code Juv. Pro. art. 87(F) (West 1985); Miss. Code Ann. Secs.

43-21-301(4)(c), 309(4)(c)(i) (Supp. 1986); Mo. Ann. Stat. Sec. 211.183(4) (Vernon Supp. 1986); Okla. Stat. Ann. tit. 10, Sec. 1104.1(d)(2) (Supp. 1987); Or. Rev. Stat. Sec. 419.505(5)(1985) [Or. Laws 1985, ch. 721, Sec. 17(2)]; Pa. Cons. Stat. tit. 42, Secs. 6332(a), 6351(b); Va. Code Sec. 16.1-251(A)(2) (Supp. 1986).

22. Ark. Stat. Ann. Sec. 45-436(5)(d) (Supp. 1985).

23. Ratterman et al., *Reasonable Efforts*, (Draft), p. 51.

24. Ark. Stat. Ann. Sec. 45-436(5)(b)(2) (Supp. 1986); Cal. Welf. & Inst. Code Sec. 319 (Deering Supp. 1986); Fla. Stat. Ann. Sec. 39.402(9)(a), 39.41 (2)(d) (West Supp. 1986); Idaho Code Secs. 16-1610(b)(2), 16-1614(e)(2); Kan. Stat. Ann. Secs. 38-1542(f), 1543(i), 1563(h) (Supp. 1985 as amended by 1986 ch. 161); La. Code Juv. Pro. art. 87(F) (West 1986); Miss. Code Ann. Secs. 43-21-301(4)(c), 309(4)(c)(i), 603(7)(b) (Supp. 1986); Mo. Ann. Stat. Sec. 211.183(1) (Vernon Supp. 1986); Okla. Stat. Ann. tit. 10, Sec. 1104.1(d)(2) (Supp. 1987); Or. Rev. Stat. Sec. 419.505(4)(1985) [Or. Laws 1985, ch. 721 Sec.17(2)]; Pa. Cons. Stat. tit. 42, Secs. 6332(a), 6351(b); Va. Code Secs. 16.1-252(E)(2) (Supp. 1986).

25. Ark. Stat. Ann. Sec. 45-436(5)(d) (Supp. 1985); Cal. Welf. & Inst. Code Sec. 319 (Deering Supp. 1986); Fla. Stat. Ann. Sec. 39.41(2)(a) (West Supp. 1986); Ga. Code Ann. Sec. 15-11-41(c) (Supp. 1986); Ind. Code Ann. Sec. 31-6-4-15.3(g)(3) (West 1986); Iowa Code Ann. Sec. 232.102(5) (West 1985); La. Code Juv. Pro. art. 87 (West 1985); Me. Rev. Stat. Ann. tit. 15, Sec. 3317 (Supp. 1986); Mass. Gen. Laws Ann. ch. 119, Sec. 29C (West Supp. 1986); Miss. Code Ann. Sec. 43-21-405(6) (Supp. 1985); Mo. Ann. Stat. Sec. 211.183 (1) (Vernon Supp. 1986); Neb. Rev. Stat. Secs. 43-284, 1315 (Supp. 1985 as amended by 1987 L.B. 635); Nev. Rev. Stat. Sec. 432B.550(1) (1985); N.M. Stat. Ann. Sec. 32-1-34(A)(9)(1984); N.Y. Soc. Serv. Law Sec. 358-a(3)

(McKinney Supp. 1986); N.Y. Fam. Ct. Act Sec. 754(2) (McKinney Supp. 1986); Okla. Stat. Ann. tit. 10 Sec. 1104.1(D)(1) (Supp. 1987); Or. Rev. Stat. Sec. 419.505(1985) [Or. Laws 1985, ch. 721, Sec. 17(2)]; Pa. Cons. Stat. tit. 42, Sec. 6351(b)(4); Wash. Rev. Code Ann. Secs. 13.32A.170(1)(d), 13.34.060 (6)(a), 13.34.130(1)(b) (Supp. 1986); Wis. Stat. Ann. Secs. 48.21(5)(b), 48.355(2)(a) (West 1986).

26. Iowa Code Ann. Sec. 232.102(5) (West 1985).

27. Fla. Stat. Ann. Sec. 39.41(2)(e) (West Supp. 1986).

28. Fla. Stat. Ann. Secs. 39.402(2)(9)(a)(10), 39.41(2)(a) (West Supp. 1986); Idaho Code Secs. 16-1610(b)(2), 16-1614(e)(2); Ind. Code Ann. Secs. 31-6-4-6(e), 15.3(g) (West 1986); Iowa Code Ann. Secs. 232.52(6), .95(2)(a), .102(3)(b) (West 1986); Kan. Stat. Ann. Secs. 38-1542(f), 1543(i), 1563(h) Supp. 1985 as amended by 1986 ch. 161); Miss. Code Ann. Secs. 43-21-301(4)(c), 309(4)(c), 405(6), 603(7) (Supp. 1986); Or. Rev. Stat. Secs. 419.505 (2) [Or. Laws 1985, ch. 721, Secs. 17(2)], 577 (b)(A)(1985); Va. Code Secs. 16.1-252(A)(2), (E)(2), 279(A)(3)(c), (C)(5)(c), (E)(9)(c) (Supp. 1986); Wash. Rev. Code Ann. Secs. 13.32A.170(1)(d), .34.060(6)(a), .130(1)(b) (Supp. 1986); Wis. Stat. Ann. Sec. 48.21(5)(b), .355(2)(a) (West 1986).

29. Fla. Stat. Ann. Secs. 39.402(2), (9)(a), (10), Sec. 39.41(2)(a) (West Supp. 1986).

30. Ind. Code Ann. Sec. 31-6-4-19 (West 1986).

31. Ark. Stat. Ann. Sec. 45-436(5)(b)(1) (Supp. 1985); Cal. Welf. & Inst. Code Sec. 319 (Deering Supp. 1986); Fla. Stat. Ann. Sec. 39.402(9)(a) (West Supp. 1986); Ga. Code Ann. Sec. 15-11-41 (Supp. 1986); Ill. Ann. Stat. ch. 37, Sec. 703-6(2) (Smith-Hurd 1986); Iowa Code Ann. Secs. 232.52(6), 232.95 (2)(a), 232.102(4)(b) (West 1986); Kan. Stat. Ann. Secs. 38-1542(f), 1543 (i), 1563(h) (Supp. 1985 as amended by 1986 ch. 161); Miss. Code Ann. Secs. 43-21-301(4), 603(7) (Supp. 1986); Mo. Ann. Stat. Sec. 211.183(1)

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32. Ark. Stat. Ann. Sec. 45-436(5)(b)(1) (Supp. 1985); Fla. Stat. Ann. Sec. 39.41(2)(c) (Supp. 1986); Idaho Code Sec. 16-1610(b)(2); Ind. Code Ann. Sec. 31-6-4-6(e), 31-6-4-15.3(g) (West 1986); Kan. Stat. Ann. Secs. 38-1542 (f), 1543(i), 1563(h) (Supp. 1985 as amended by S.B. 713); La. Code Juv. Pro. art. 87(F) (West 1985); Me. Rev. Stat. Ann. tit. 15 Sec. 3317 (Supp. 1986); Miss. Code Ann. Secs. 43-21-309(4)(c)(i), 405(6), 603 (Supp. 1986); Mo. Ann. Stat. Sec. 211.183(3) (Vernon Supp. 1986); Or. Rev. Stat. Sec. 419. 505(3)(1985) [Or. Laws 1985, ch. 721 Sec. 17(2)]; Va. Code Secs. 16.1-252(A), 279(A)(3), (C)(5)(c), (E)(9)(c) (Supp. 1986); Wash. Rev. Code Ann. Secs. 13. 34.060(6)(a), 13.34.130(1)(b) (Supp. 1986).

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National Conference of State Legislatures
Children, Youth, and Families Program

The Children, Youth, and Families Program of the National Conference of State Legislatures is designed to meet the needs of state legislatures in developing policy and programs related to children and families. The following services are available at no cost to legislators and staff:

- o information clearinghouse
- o research assistance
- o publications
- o technical assistance

Technical assistance includes testimony at committee hearings, briefing sessions for state legislators and their staffs, and bill drafting and analysis. Resources and expertise are provided by NCSL staff, national experts, and legislators.

Project Areas

Child Care/Early Childhood Education. Funded by the Carnegie Corporation of New York, the project facilitates coordinated policymaking between legislators who work on child care issues in human services committees and those who work on education issues in education committees. The project assists state legislators in developing coordinated programs to meet child care and early education needs. Technical assistance is a major project commitment, including: planning and strategizing meetings with legislators, legislative staff, and professionals in the public and private sector; on-site delivery of assistance through hearings, briefings, workshops, or seminars; and evaluation meetings.

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